

E-FILED ON JUNE 18, 2007

Annette W. Jarvis, Utah Bar No. 1649
 Steven C. Strong, Utah Bar No. 6340
RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385
 Telephone: (801) 532-1500
 Facsimile: (801) 532-7543
 Email: ajarvis@rqn.com

Lenard E. Schwartzer, Nevada Bar No. 0399
 Jeanette E. McPherson, Nevada Bar No. 5423
SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-mlaw.com

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT**DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
**USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,**
 Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
 SUSTAINING THE OMNIBUS
 OBJECTION OF USA CAPITAL
 REALTY ADVISORS, LLC TO
 MISFILED CLAIMS AND
 CERTIFICATE OF SERVICE**

Hearing Date: April 26, 2007
 Hearing Time: 9:30 a.m.

NOTICE IS HEREBY GIVEN that an Order Sustaining the Omnibus Objection of USA Capital Realty Advisors, LLC to Misfiled Claims was entered on the 15th day of May, 2007, a copy of which is attached hereto.

Dated: this 30th day of May, 2007.

/s/ Lenard E. Schwartz, Esq
 Lenard E. Schwartz, Nevada Bar No. 0399
 Jeanette E. McPherson, Nevada Bar No. 5423
 SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146

and

Annette W. Jarvis, Utah Bar No. 1649
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385

1. On June 18, 2007 I served the following document(s):

a. Notice of Entry of Order Sustaining the Omnibus Objection of USA Capital Realty Advisors, LLC to Misfiled Claims

2. I served the above-named document(s) by the following means to the persons as listed below:

- ☐ a. By ECF System:
☒ b. By United States mail, postage fully prepaid:

SEE ATTACHED MAILING LIST

- ☐ c. By Personal Service
 I personally delivered the document(s) to the persons at these addresses:
☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.
☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 · Fax: (702) 892-0122

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: June 18, 2007

SARAH ARNOLD
(Name of Declarant)

/s/ SARAH ARNOLD
(Signature of Declarant)

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122

Adams, Brian M
525 S 6Th St
Las Vegas, NV 89101

Adams, Herman M Brian M & Anthony G
1341 Cashman Dr
Las Vegas, NV 89102

Allergy Consultants Medical Group Inc
C/O Dionisio Fernandes Trustee
401K Profit Sharing Plan
4001 Oak Manor Ct
Hayward, CA 94542-1445

Baginski, Michael
12881 Knott St #205
Garden Grove, CA 92841

Berry, William Chad
11136 Acama St
Apt 312
Studio City, CA 91602-3067

Debra A Gant-Hickel & Russell J
Hickel
4725 Goodwin Rd
Sparks, NV 89436

Deller, Ross
1469 Harmony Hill
Henderson, NV 89014

Falvai, Brenda
252 N Paseo De Juan
Anaheim, CA 92807-2319

Fernandes, Dionisio A & Fiola
4001 Oak Manor Ct
Hayward, CA 94542-1445

Fernandes, Jason D & Fiola
4001 Oak Manor Ct
Hayward, CA 94542-1445

Fernandes, Melissa A & Dionisio
4001 Oak Manor Ct
Hayward, CA 94542-1445

Frieda Moon & Sharon C Van Ert Joint
2504 Callita Ct
Las Vegas, NV 89102-2094

Frieda Moon Fbo Sharon C. Van Ert
2504 Callita Ct
Las Vegas, NV 89102-2020

Karen Petersen Tyndall Trust Dtd 3/9/94
C/O Karen Petersen Tyndall Ttee
1012 Greystoke Acres St
Las Vegas, NV 89145-8659

KPT Irrevocable Trust Dated 7/16/99
C/O Karen Petersen Tyndall Ttee
1012 Greystoke Acres St
Las Vegas, NV 89145-8659

Law Offices Of James J Lee
7674 W Lake Mead Blvd #108
Las Vegas, NV 89128

Layne Family Trust
Bruce & Sherry Layne
C/O Lawrence D Rouse Esq
523 S 8Th St
Las Vegas, NV 89101

Mirzaian, Katrine
708 Prospect Dr
Glendale, CA 91205

Moon, Frieda
Trustee Of The Decedent's Trust Of The
Restated Moon Irrevocable Trust
2504 Callita Ct
Las Vegas, NV 89102

Olympia Capital Management
C/O Geraldine Houghton
2871 Pinta
Perris, CA 92571

Quinn, Edward & Darlene
660 New Brookhaven Dr
Lee's Summit, MO 64081

Saunders, John H & Anita
3665 Brighton Way
Reno, NV 89509

Silver Saver Mart Inc
Po Box 124
Silver Springs, NV 89429

Cronk, Arlene
C/O Michael Lehnern Esq
429 Marsh Ave
Reno, NV 89509

Doucet, D. Joseph
Ttee Of Doucet Trust
3301 Skyline Blvd
Reno, NV 89509-6604

Jung, Margarita
1405 Vegas Valley
#317
Las Vegas, NV 89109

Sturza, Harold
2705 Orchid Valley Dr
Las Vegas, NV 89134-7327

Case: 06-10725-lbr

Doc #: 3734

Filed: 05/15/2007

Page: 1 of 6



Entered on Docket
May 15, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

Annette W. Jarvis, Utah Bar No. 1649
Steven C. Strong, Utah Bar No. 6340
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1300
Facsimile: (801) 532-7543
Email: ajarvis@rqn.com

Leonard E. Schwartz, Nevada Bar No. 0399
Jeanette E. McPherson, Nevada Bar No. 5423
SCHWARTZ & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Telephone: (702) 228-7590
Facsimile: (702) 892-0122
E-Mail: bkfilings@ss-mlaw.com

Attorneys for USA Capital Realty Advisors, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE
COMPANY, Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re: USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re: USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC, Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re: USA CAPITAL FIRST TRUST DEED FUND,
LLC, Debtor.

**ORDER SUSTAINING THE OMNIBUS
OBJECTION OF USA CAPITAL
REALTY ADVISORS, LLC TO
MISFILED CLAIMS**

In re: USA SECURITIES, LLC, Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Date of Hearing: April 26, 2007
Time of Hearing: 9:30 a.m.

SCHWARTZ & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 • Fax: (702) 892-0122

Case: 06-10725-lbr Doc #: 3734 Filed: 05/15/2007 Page: 2 of 6

The Omnibus Objection of USA Capital Realty Advisors, LLC to Misfiled Claims (the "Objection") (Docket No. 3019) came before this Court on proper notice at the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinncy & Nebeker P.C. appeared on behalf of USA Capital Realty Advisors, LLC, Eve Karasik of Stutman, Troister & Glatt, P.C. appeared on behalf of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"), and other appearances were noted on the record.

A limited response to the Objection was filed by the FTDF Committee (Docket No. 3482). No other responses were filed.

THE COURT, having considered the Objection and the limited response thereto, and having determined that good and sufficient cause exists for sustaining the Objection to the extent set forth below, HEREBY ORDERS THAT:

1. All of the claims listed on Exhibit A to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Adams, Brian M 525 S 8th St Las Vegas, NV 89101	10726-00048	11/8/2006	325,000.00
2	Adams, Herman M, Brian M & Anthony G 1341 Cashman Dr Las Vegas, NV 89102	10726-00050	11/8/2006	3,625,000.00
3	Allergy Consultants Medical Group Inc C/O Dionisio Fernandes Trustee 401K Profit Sharing Plan 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00035	10/10/2006	58,071.84
4	Baginski, Michael 12881 Knott St #205 Garden Grove, CA 92841	10726-00049	11/10/2006	288,283.00
5	Berry, William Chad 11138 Adams St Apt 312 Studio City, CA 91602-3067	10726-00058	11/13/2006	200,000.00
6	Debra A Gant-Hickel & Russell J Hickel 4726 Goodwin Rd Sparks, NV 89436	10726-00029	8/16/2006	33,245.88

Case: 06-10725-lbr Doc #: 3734 Filed: 05/15/2007 Page: 3 of 6

7	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00018	5/8/2006	50,000.00
8	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00019	5/8/2006	100,000.00
9	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00020	5/8/2006	120,000.00
10	Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10726-00021	5/8/2006	50,000.00
11	Deller, Rose 1469 Harmony Hill Henderson, NV 89014	10726-00022	6/5/2006	100,000.00
12	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00012	6/2/2006	50,933.34
13	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00013	6/2/2006	50,972.22
14	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00015	6/2/2006	50,933.34
15	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10726-00016	6/2/2006	37,860.24
16	Fernandes, Dionisio A & Fiola 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00034	10/10/2006	244,646.92
17	Fernandes, Jason D & Fiola 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00032	10/10/2006	151,359.38
18	Fernandes, Melissa A & Dionisio 4001 Oak Manor Ct Hayward, CA 94542-1445	10726-00033	10/10/2006	116,143.68
19	Frieda Moon & Sharon C Van Ert Joint 2504 Califa Ct Las Vegas, NV 89102-2094	10726-00004	5/23/2006	51,033.34
20	Frieda Moon & Sharon C Van Ert Joint 2504 Califa Ct Las Vegas, NV 89102-2094	10726-00007	5/23/2006	51,076.38
21	Frieda Moon Fbo Sharon C. Van Ert 2504 Califa Ct Las Vegas, NV 89102-2020	10726-00005	5/23/2006	35,583.34
22	Frieda Moon Fbo Sharon C. Van Ert 2504 Califa Ct Las Vegas, NV 89102-2020	10726-00008	5/23/2006	17,538.18

SCHWARTZ & MCPHERSON LAW FIRM
 2652 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5508
 Tel: (702) 226-7595 • Fax: (702) 801-0122

Case: 06-10725-lbr Doc #: 3734 Filed: 05/15/2007 Page: 4 of 6

23	Karen Petersen Tyndall Trust Dtd 3/9/94 C/O Karen Petersen Tyndall Ttee 1012 Graystone Acres St Las Vegas, NV 89145-8659	10726-00040	11/9/2006	1,115,915.59
24	KPT Irrevocable Trust Dated 7/16/99 C/O Karen Petersen Tyndall Ttee 1012 Graystone Acres St Las Vegas, NV 89145-8659	10726-00048	11/10/2006	202,866.38
25	Law Offices Of James J Lee 7674 W Lake Mead Blvd #108 Las Vegas, NV 89126	10726-00052	11/13/2006	200,000.00
26	Layne Family Trust Bruce & Sherry Layne C/O Lawrence D Rouse Esq 523 S 8th St Las Vegas, NV 89101	10726-00036	11/9/2006	240,000.00
27	Lee, James J 7674 W Lake Mead Blvd #108 Las Vegas, NV 89126	10726-00053	11/13/2006	200,000.00
28	Mirzalan, Katrina 708 Prospect Dr Glendale, CA 91205	10726-00066	1/10/2007	344,011.56
28	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00001	5/22/2006	37,860.24
30	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00002	5/22/2006	51,033.34
31	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00008	5/23/2006	51,076.38
32	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00009	5/23/2006	25,538.20
33	Olympia Capital Management C/O Geraldine Houghton 2871 Pinta Palo Alto, CA 94301	10726-00051	11/9/2006	100,000.00
34	Quinn, Edward & Darlene 860 New Brookhaven Dr Lee's Summit, MO 64081	10726-00023	7/10/2006	156,388.48

SCHWARTZ & MCPHERSON LAW FIRM
 2820 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5138
 Tel: (702) 226-7590 • Fax: (702) 892-0122

Case: 06-10725-lbr Doc #: 3734 Filed: 05/15/2007 Page: 5 of 6

35	Saunders, John H & Anita 3865 Brighton Way Reno, NV 89509	10726-00064	11/27/2006	50,000.00
36	Silver Saver Mart Inc Po Box 124 Silver Springs, NV 89429	10726-00028	8/14/2006	36,386.45

3. All of the claims listed on Exhibit B to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Cronk, Arlene C/O Michael Lehnars Esq 426 Marsh Ave Reno, NV 89509	10726-00010	5/30/2006	272,206.96
2	Doucet, D. Joseph Trust Of Doucet Trust 3301 Skyline Blvd Reno, NV 89509-8804	10726-00067	1/12/2007	502,335.71
3	Jung, Margerita 1406 Vegas Valley #317 Las Vegas, NV 89109	10726-00027	7/28/2006	91,534.04
4	Surza, Harold 2705 Orchid Valley Dr Las Vegas, NV 89134-7327	10726-00031	9/29/2006	Blank

4. The claims listed in the table in paragraph 3 above are deemed to be timely filed general unsecured claims asserted against USA Commercial Mortgage Company ("USACM"), but are subject to any objections that may be interposed by the USACM Liquidating Trust or any other party entitled to object to claims; and

5. The claims that are disallowed pursuant to this Order are disallowed in their entirety and for all purposes as claims against USA Realty Advisors, LLC and are not allowed as claims against USA Capital First Trust Deed Fund, LLC or against any of the other Debtors in these jointly-administered bankruptcy cases, except as provided in paragraph 4 above.

SCHWARTZ & MCPHERSON LAW FIRM
2800 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-3305
Tel: (702) 226-7590 Fax: (702) 892-0122

Case: 06-10725-lbr Doc #: 3734 Filed: 05/15/2007 Page: 6 of 6

Submitted by:
SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

By: /s/ Lenard E. Schwartz

LENARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
ANNETTE W. JARVIS, ESQ.
STEVEN C. STRONG, ESQ.
Attorneys for USA Securities, LLC

Approved by:
STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.

Approved by:
LEWIS AND ROCA, LLP

By: /s/ Andrew Parlen

EVE KARASIK, ESQ.
CANDACE C. CARLYON, ESQ.
*Counsel for the Official Committee of
Equity Security Holders of USA Capital
First Trust Deed Fund, LLC*

By: /s/ Rob Charles

SUSAN M. FREEMAN, ESQ.
ROB CHARLES, ESQ.

Approved by:
OFFICE OF THE TRUSTEE

By: 
AUGUSTUS P. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

###

SCHWARTZER & MCPHERSON LAW FIRM

2000 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5100
Tel: (702) 228-7700 Fax: (702) 892-0112